



DECLARATION OF MARY LAFACI UNDER 37 CFR § 1.132

I, Mary Lafaci, hereby state and declare the following:

1. I reside at 920 Spruce Street, Philadelphia, PA 19107.
2. I recently left the fashion accessory industry, an industry I was extensively involved in for more than fourteen (14) years.
3. I am the inventor of no fewer than two (2) published United States patent applications for hair holding devices.
4. I was employed by L&N Sales and Marketing, Inc. of Horsham, PA or its successors, including Conair Corporation of Stamford, CT (collectively referred to herein as "Conair"), for seven (7) years—from 2000 through 2007—most recently in the capacity of V.P. of Marketing.
5. My job responsibilities at Conair included design, product development and marketing of hair accessory products.
6. I am very familiar with hair holding devices, including spring-biased hair clips of the type having first and second pivotally connected body members biased toward one another by a spring and typically opened by a pair of handles that are squeezed by a user.
7. Conventional hair holding devices of the type described in Paragraph 6 are sub-optimal, because they fail to anchor hair as styled (whether in buns, gathered bunches, ponytails, loops or the like). As a result, said hair devices require continual readjustment by the user.

Gathered hair, like hair situated in a bun, comprises an external periphery (i.e., the surface that a device contacts) and an internal compressible, pliable, instable core of thousands of silky low-friction hairs likely to slip and slide past one another.

Hair holding devices of the type described in Paragraph 6 fail in one or both of the following ways to hold hair without requiring continual readjustment. First, said devices fail to create enough friction between themselves and the hair with which they come in contact (i.e., the external periphery of gathered hair). When this occurs, said devices slip from hair, sometimes falling completely out. Second, said devices fail to create enough friction between the surfaces of the individual hairs comprising the internal core of gathered hair. When this occurs, the hairs comprising the internal core slide outside of not only the core but also the hair device, typically causing the device to require readjustment in the hair. In other words, when this occurs, hair's own silkiness and weight cause it to slip passed itself and out of the device that once held it.

To reiterate, hair holding devices of the type in Paragraph 6 suffer from the problem of (a) hair's slipping past itself (because of the low coefficient of friction among individual strands of hair) to fall out of said devices and/or (b) said devices' falling from users' hair because of the low coefficient of friction between the surface of said devices and the surface of hair. I have been aware of these two problems for as long as I have been aware of the existence of such devices.

8. I have reviewed and understand the invention described and claimed in United States Patent Application No. 10/764,237 ("237 application") by Rogers et al.

9. Based on my review of the '237 application, I believe that a hair holding device constructed in accordance with the hair holding device as claimed in independent claim 1 of the '237 application would produce a hair holding device able not only to increase the coefficient of friction among the individual strands comprising gathered hair but also to increase the coefficient of friction between the surface of the invention and the surface of hair. As a result, the invention's hair gripping portions would solve not just one, but both, of the long-standing slippage problems described in Paragraph 7.

10. I invented a solution to one of the problems described in Paragraph 7. That solution consisted of providing one or both of (1) a plurality of bristle-like projections or (2) a high coefficient of friction layer on the hair engaging surfaces of the hair gripping portions of the first and second body members. Records of the U.S. Patent and Trademark Office indicate that my former employer filed two patent applications (U.S. Provisional Patent Application No. 60/592,224 and U.S. Patent Application No. 11/192,479) for my invention. The 11/192,479 application is attached hereto as Exhibit A.

11. Based on information and observation, I believe my former employer continues to sell hair clips comprising my invention, described under the 11/192,479 application. Further, I believe that these clips are commercially successful. I believe that such commercial success is due, in large part, to the presence of the high coefficient of friction layer which resists slippage of the devices from a user's hair.

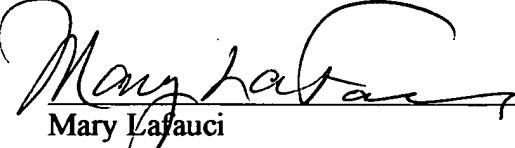
12. I do believe that the utility and commercial success of all clips, including those employing my invention described under the 11/192,479 application, could be perfected with the addition of the invention described in Rogers's '237 application.

13. I believe the invention disclosed and claimed in Rogers's '237 application is the only hair device, of the type described in Paragraph 6, to provide an optimal solution for both of the long-standing and notorious slippage problems described in Paragraph 7. By enabling hair to be squeezed more tightly together than ever before, Rogers's invention makes it possible to increase the coefficient of friction not only between the surface of the invention and the hair it contacts but also among the individual strands of hair within a bunch of gathered hair.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the '237 application or any patent resulting therefrom, declares that the facts set forth in this declaration are true; all statements made of her own knowledge are true; and all statements made on information and belief are believed to be true.

Date

12/18/07


Mary Lafauci